

acquire a requested quantity of products; performing computer related operations to update a computerized inventory database with a product record including a requested quantity that the acquiring entity wants to receive of the product based on the generated order; receiving information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity; performing computer related operations to update the inventory database with the information received from the supplier to indicate the commitment quantity; and performing computer related operations to update the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record.

In the Final Office Action, the Examiner explained his reasons for not citing specific sections of Graves and took the position that the Applicant should have requested a phone interview to discuss Graves. (Final Office Action, pg. 4) The attorney for Applicants did hold a lengthy and helpful phone interview with the Examiner discussing the relevance of Graves and the prior art rejections. During this phone interview, the Examiner took the position that the processing unit 106 of Graves, discussed in cols. 6-8 of Graves performed many of the claimed operations, such as receiving the information from the supplier and updating the inventory database. The Examiner also referenced the processing unit 106 of Graves on pages 5-6 in the Final Office Action for these claim limitations. For the reasons discussed below, Applicants respectfully submit that the discussed and cited processing unit 106 of Graves fails to disclose the requirements of claim 1.

The cited processing unit 106 of Graves monitors a storage tank and projects usage of chemicals stored in the storage tank. Based on the forecasts of the storage tank usage, Graves mentions that the processing unit 106 schedules and transmits purchase order releases to the chemical supplier. (Graves, col. 6, lines 36-55) Graves further discusses how the processing unit 106 can detect chemicals being added to the storage tank by monitoring the level of the tank, and then communicate receipt of the supplies to an accounting department to authorize payment of the delivered supplies. (Graves, col. 16, lines 4-22)

Applicants submit that nowhere does the cited and discussed Graves disclose the claim requirements of receiving information from a supplier indicating a commitment quantity of a quantity the supplier intends to ship. The above discussed processing unit 106 of Graves has the user of the resource (chemical) submitting the request to the supplier. Nowhere does the above discussed processing unit 106 anywhere disclose that the supplier submits a commitment quantity of a number of the products the supplier intends to ship to a replenishment service center (RSC) as claimed to meet a requested quantity by the acquiring entity. Instead, the processing unit 106 of the consumer of the resource just orders the resource from the supplier. There is no disclosure of the supplier submitting a commitment quantity and then updating the inventory database with the commitment quantity that also indicates a requested quantity of the resource.

The Examiner cited col. 10, lines 38-47 and col. 14, lines 5-13 of Graves. (Final Office Action, pg. 6) Applicants submit that these cited cols. 10 and 14 of Graves also fail to disclose the claim requirements of receiving information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity and then updating the inventory database that indicates the requested quantity with the commitment quantity.

The cited col. 10 mentions that print outs of the storage tank usage may be provided, and information on messages sent during a time period may also be printed out. Nowhere does the cited col. 10 anywhere disclose the claim requirement of receiving information from a supplier indicating a commitment quantity and then updating the database including the requested quantity with the commitment quantity the supplier intends to ship.

The cited col. 14 mentions that the user can review information related to the rate of usage and select a Production Schedule mode that discloses how much of the chemical is anticipated and when replenishment chemicals are to be delivered. Nowhere does this cited col. 14 anywhere disclose receiving information from a supplier indicating a commitment quantity to the acquiring entity the supplier intends to ship, and then updating the inventory database that indicates the requested quantity with the commitment quantity.

During the phone interview, the Examiner maintained that Graves discloses receiving the commitment quantity because the supplier would ship the order, so the commitment quantity would be received when the user of the chemicals receives the shipment. Applicants traverse this finding because the cited processing unit 106 of Graves submits a request for an order from a supplier, so there is no need to know the commitment quantity from the supplier. Further, nowhere does the cited Graves anywhere disclose that the supplier indicate a commitment quantity of the amount they intend to ship that is updated in the inventory database. In fact, Applicants submit that Graves has no need for such a step because the amount the supplier will ship is specified in the order made by the processing unit 106. Claim 1 on the other hand operates differently because the acquiring entity supplies a requested quantity of an amount of the product they want to receive, and then the supplier then sends a commitment quantity of the amount they intend to ship to satisfy the requested quantity.

Claim 1 further requires that the inventory database that includes information on the requested quantity and commitment quantity also be updated with information from the RSC indicating the product ships from the supplier to the RSC. Applicants submit that nowhere does the cited Graves discuss updating the inventory database when the supplier receives the shipped products, where such inventory database also indicates a requested quantity the acquiring entity wants and a commitment quantity the supplier intends to ship.

The Examiner found that adapting the two entity system of Graves (i.e., acquirer of chemicals - which is the processing unit 106, and supplier) to a three supplier system having an RSC would be obvious. First off, Applicants submit that the Examiner is effectively transforming the anticipation rejection under 35 U.S.C. 102 of claim into an obviousness rejection under 35 U.S.C. §103 by applying an obviousness finding to show the claim requirements concerning the RSC. Applicants submit that the Examiner should withdraw the finality of the rejection and reissue a non-final office action to change the grounds of rejection for claims 1-38 and 58-65 from anticipation to obviousness if the Examiner maintains this obviousness finding with respect to the RSC claim requirements. See, Manual of Patent Examination and Procedure (MPEP), Sec. 706.07(a), pg. 700-73 (8th Ed., rev. 1, Feb. 2003).

Applicants further traverse the finding that it would be obvious to utilize the two entity system of Graves with a three entity system having a RSC. According to the MPEP: "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP, Sec. 2143.01, pg. 2100-126.

Here, the cited Graves nowhere suggests that an inventory database be updated with a requested quantity that the acquiring entity wants, a commitment quantity the supplier intends to ship to the RSC, and a shipment quantity the RSC receives from the supplier. In fact, Graves teaches away from this modification because Graves has the processing unit 106 order new chemicals from the supplier and then authorize payment when the chemicals are received. Nowhere is there any suggestion of using an RSC or updating a database with information on when the RSC receives the shipped product.

For all the above reasons, Applicants submit that claim 1 is patentable over the cited Graves because the cited Graves does not disclose, teach or suggest all the claim requirements.

Claims 2-12 are patentable over the cited art because they depend from claim 1. Moreover, certain of the below discussed dependent claims provide additional grounds of patentability over the cited art for the reasons discussed below.

Claim 3 depends from claim 1 and further requires determining a number of days of supply of products at the RSC for a product represented by the product record and ordering an additional quantity of the products to the supplier if the determined number of days of supply for the product is less than a minimum threshold.

Applicants submit that nowhere does the cited Graves anywhere teach, suggest or disclose determining a supply of the product at an RSC and ordering additional quantity if the number of days of supply falls below a threshold.

The cited Graves does mention that the processing unit 106 monitor tank usage and order more chemicals based on the tank usage. (Graves, col. 6, lines 26-55). However, the Examiner has not cited any part of Graves that discloses monitoring an available supply at an RSC and ordering additional quantity if the quantity at the RSC falls below a threshold.

Accordingly, claim 3 provides additional grounds of patentability over the cited art.

Claim 4 depends from claim 1 and further requires updating the inventory database with information received from the acquiring entity for one product record indicating an order of products from the RSC to deliver to the acquiring entity to fulfill the order.

Applicants submit that nowhere does the cited Graves anywhere teach, suggest or disclose updating an inventory database with information from an acquiring entity for an order of products from the RSC to deliver. Instead, the above cited Graves just mentions the processing unit 106 placing an order, not updating the inventory database with information on an order from the RSC, when the inventory database has also been updated with a requested quantity, a commitment quantity the supplier intends to ship, and the quantity shipped from the supplier to the RSC. The cited Graves nowhere teaches, suggests or discloses updating an inventory database as claimed.

Accordingly, claim 4 provides additional grounds of patentability over the cited art.

Claim 5 depends from claim 4 and additionally requires determining a number of days of supply of products at the RSC for a product from information maintained in the product record as a function of the quantity of the products indicated in the product record as available at the RSC and an average acquiring entity order rate of the product from the RSC and transmitting an order for an additional quantity of the products to the supplier if the determined number of days of supply for the product is less than a minimum threshold.

The Examiner has not cited any part of Graves that discloses determining a number of days of supply at the RSC and then transmitting an order for additional products to the supplier if the number of days of supply falls below a threshold. The cited Graves does mention that the processing unit 106 monitor tank usage and order more chemicals based on the tank usage. (Graves, col. 6, lines 26-55). However, the Examiner has not cited any part of Graves that discloses monitoring an available supply at an RSC and ordering additional quantity from the supplier if the quantity at the RSC falls below a threshold.

Accordingly, claim 5 provides additional grounds of patentability over the cited art. Claims 6 and 7 depend from claim 5 and provide additional requirements concerning how to

determine when to order additional quantity, which provide additional grounds of distinction over the cited art.

Claim 8 depends from claim 1 and further requires that the acquiring entity, database, supplier, and RSC are capable of communicating over a network and transmitting over the network an input page in which the supplier and RSC enter data to update the inventory database.

Applicants submit that nowhere does the cited and discussed Graves anywhere teach, suggest or disclose the claim requirement of transmitting an input page in which the supplier and RSC enter data to update the inventory database. In fact, the cited and discussed Graves teaches away from this requirement because the processing unit 106 places the order with the supplier directly and determines when the supply arrives. There is no teaching, suggestion or disclosure in Graves that a supplier or RSC update the inventory database with information entered in an input page transmitted over a network as claimed.

Accordingly, claim 5 provides additional grounds of patentability over the cited art.

Claim 9 depends from claim 1 and includes limitations concerning how input pages are transmitted to the supplier and RSC to use to request product record information. As discussed with respect to claim 8, nowhere does the cited Graves anywhere teach, suggest or disclose transmitting an input page to an RSC or supplier. Moreover, nowhere does the cited and discussed Graves anywhere teach, suggest or disclose that the transmitted input page be used to allow the supplier or RSC to request product record information maintained in the inventory database.

Accordingly, claim 9 provides additional grounds of patentability over the cited art.

Claim 10 depends from claim 1 and further requires generating a pre-shipment alert message to the RSC upon receiving the update to the database of the commitment quantity from the supplier. Applicants submit that the Examiner has not cited any part of Graves or other art that teaches, suggests or discloses generating a pre-shipment alert message to an RSC upon receiving an update to the inventory database of the commitment quantity from the supplier. Accordingly, claim 10 provides additional grounds of patentability over the cited art.

Independent claim 13 concerns a method for ordering products, wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC. Claim 13 requires the supplier perform: performing computer related operations to access information in computerized inventory database including product records, wherein each product record indicates a specified product, wherein the inventory data base is capable of being updated from: (i) information received from the acquiring entity to add a product record including a requested quantity that the acquiring entity wants to receive and (ii) information received from the RSC indicating products shipped from the supplier for one specified product record; determining from the accessed information the requested quantity for one product record; and performing computer related operations to update one product record in the inventory database indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity.

Claim 13 includes many of the requirements of claim 1 that distinguish over the cited and discussed Graves, including updating an inventory database with a commitment quantity of a number of products the supplier intends to ship to the RSC to meet the requested quantity, where the inventory database also includes information on a requested quantity that the acquiring entity wants and information from the RSC indicating products shipped from the supplier. As discussed with respect to claim 1, nowhere does the cited Graves anywhere teach, suggest or disclose that a supplier update the inventory database with a commitment quantity as claimed that also has information on the requested quantity and quantity shipped from the supplier to the RSC. Accordingly, Applicants submit that independent claim 13 is patentable over the cited and discussed Graves for the reasons discussed with respect to claim 1.

Claims 14-17 are patentable over the cited art because they depend from claim 13, which is patentable over the cited art for the reasons discussed above. Certain of these claims discussed below provide additional grounds of patentability over the cited art.

Claim 14 depends from claim 13 and additionally requires receiving an order for an additional quantity of the products for one product record from the acquiring entity if a acquiring entity determines that number of days of supply for the product is less than a minimum threshold.

Applicants submit that claim 14, which depends from claim 1, provides additional grounds of patentability over the cited art for the reasons discussed with respect to claim 3.

Claim 16 depends from claim 13 and further requires that the supplier further performs computer related operations to update one product record in the inventory database indicating shipment status of products the supplier is shipping to the RSC to satisfy the commitment quantity for the product record being updated.

Applicants submit that nowhere does the cited and discussed Graves teach, suggest or disclose the claim requirement that the supplier update the inventory database of the quantity of products shipped to the RSC. Instead, the cited and discussed Graves only mentions that the processing unit 106 place an order for goods. Nowhere is there any disclosure of a supplier updating an inventory database with information on products shipped to an RSC, where the inventory database also includes information on the requested quantity, commitment quantity, and products the RSC received from the supplier.

Accordingly, claim 16 provides additional grounds of patentability over the cited art.

Independent claim 18 recites a method for ordering products, wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC, comprising the RSC performing the steps of: performing computer related operations to access information in computerized inventory database including product records, wherein each product record indicates a specified product, wherein the inventory data base is capable of being updated from: (i) information received from the acquiring entity to add a product record including a requested quantity that the acquiring entity wants to receive and (ii) information received from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity; and performing computer related operations to update one product record in the inventory database indicating products received from the supplier for one specified product record.

Claim 18 includes many of the requirements of claim 1 that distinguish over the cited and discussed Graves, including updating an inventory database with a quantity received by the RSC from a supplier, where the inventory database also includes information on a requested quantity

that the acquiring entity wants and information on the commitment quantity of a number of products the supplier intends to ship to the RSC to meet the requested quantity. As discussed with respect to claim 1, nowhere does the cited Graves anywhere teach, suggest or disclose that a RSC update the inventory database with a quantity of products received from the supplier, where the inventory database also includes the requested quantity and commitment quantity. Accordingly, Applicants submit that independent claim 18 is patentable over the cited and discussed Graves for the reasons discussed with respect to claim 1.

Claim 19 is patentable over the cited art because it depends from claim 18, which is patentable over the cited art for the reasons discussed above. Further, claim 19 includes additional requirements found in claim 4 and thus is additionally patentable over the cited and discussed Graves for the reasons discussed with respect to claim 4.

Claims 20-38 and 39-57 substantially include the requirements of claims 1-19 in system and program form, respectively. Accordingly, Applicants submit that claims 20-31 and 39-57 are patentable over the cited art for the reasons discussed with respect to claims 1-12. Applicants further note that the Examiner rejected claims 39-57 as obvious over Graves, finding that it would have been obvious to include an RSC with the inventory management system of Graves. Applicants traverse this obviousness rejection of claims 39-50 for the reasons discussed with respect to claims 1-12, including the arguments traversing the substantive grounds of the Examiner's obviousness findings with respect to the RSC.

Independent claim 58 requires a method for purchasing products wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC, comprising: generating, with the acquiring entity, an order to acquire a requested quantity of products; performing computer related operations to update computerized inventory database with a product record including a requested quantity that the acquiring entity wants to receive of the product based on the generated order; receiving information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity; performing computer related operations to update the inventory database with the information received from the supplier to

indicate the commitment quantity; performing computer related operations to update the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record; performing computer related operations to update the inventory database with information received from the acquiring entity for one product record indicating an order of products from the RSC to deliver to the acquiring entity to fulfill the order; and generating an invoice once the ordered products are delivered to the acquiring entity and confirmed by the supplier.

Claim 58 includes many of the requirements of claims 1 and 4, such as updating the inventory database to include the requested quantity, the commitment quantity, the products the RSC receives from the supplier, and the order of products from the RSC to deliver to the acquiring entity. Accordingly, Applicants submit that claim 58 is patentable over the cited and discussed Graves for the reasons discussed above with respect to claims 1 and 4.

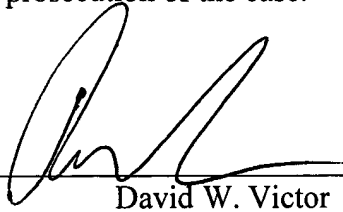
Claims 59-65 are patentable over the cited art because they depend from claim 58, which is patentable over the cited art for the reasons discussed above. Moreover, claims 59-65 substantially include the requirements also found in claims 3, 5, 6, 7, 8, 9, and 11, and thus are additionally patentable over the cited and discussed art for the reasons discussed with respect to claims 3, 5, 6, 7, 8, 9, and 11.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-65 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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